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Attorney Docket No. BRB-10002/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lucky W. Besecker et al.

Serial No.: 10/633,725

Group Art Unit: 3617

Filed: August 4, 2003

Examiner: S. Basinger

For: SWIM LIFT PLATFORM

AFFIDAVIT OF LUCKY W. BESECKER

I, Lucky W. Besecker, make the following statements from my own personal knowledge under penalty of perjury:

1. I am the first named inventor on U.S. Patent Application Serial No. 10/633,725 entitled "Swim Lift Platform". This application claims priority to provisional patent application Serial No. 60/403,038, filed August 13, 2002.

2. Some of the pending claims of the subject patent application stand rejected, under §103(a) over U.S. Patent No. 6,793,039 to Schmid, Jr. The '039 patent was filed March 13, 2002, and does not claim priority to any provisional patent application.

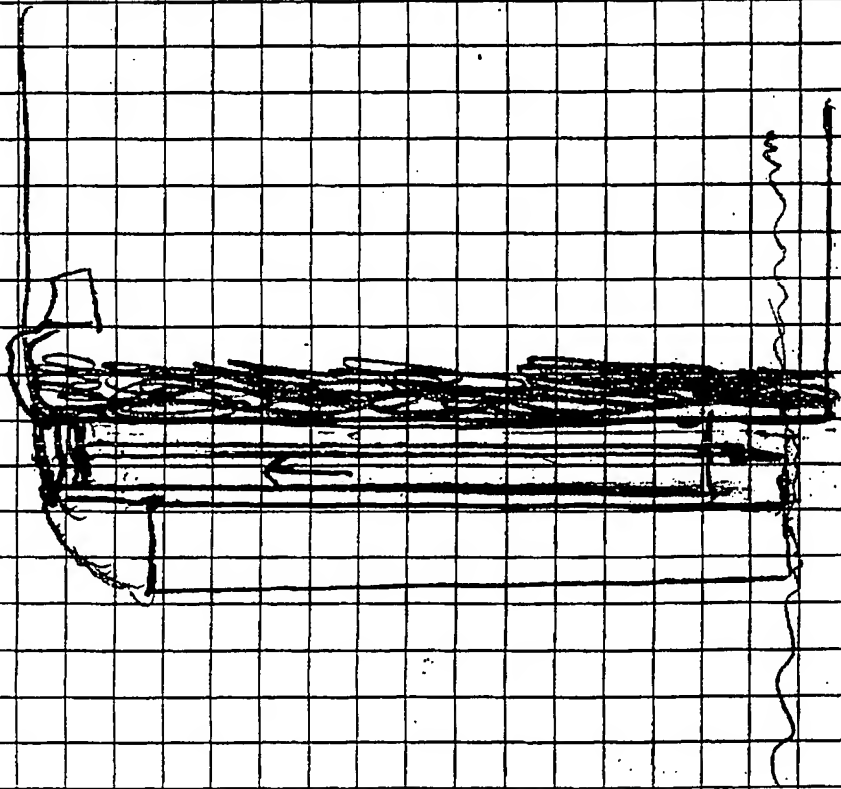
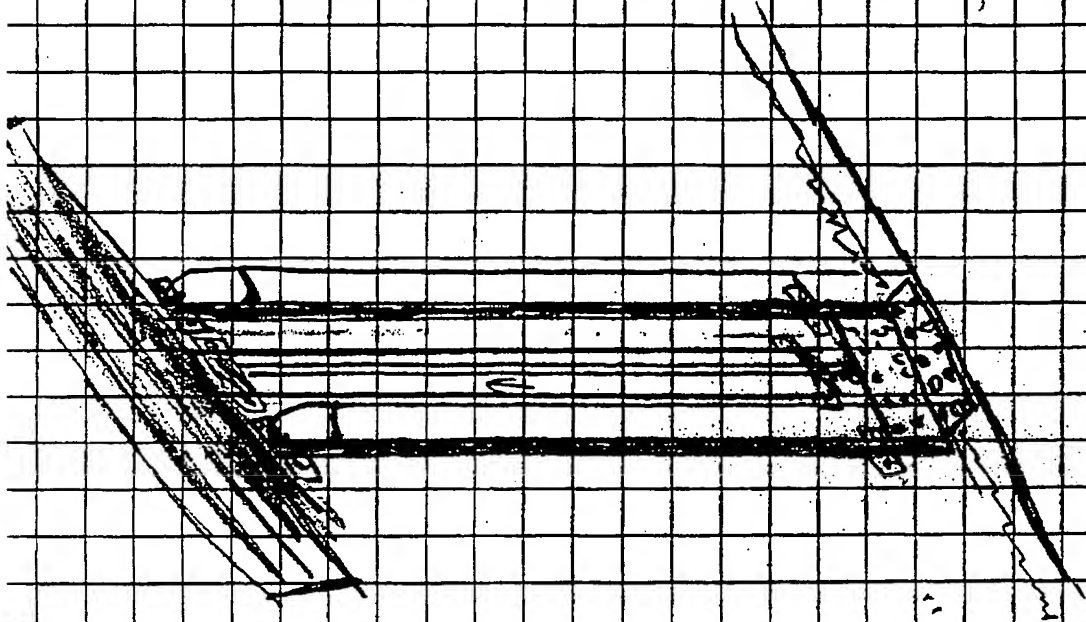
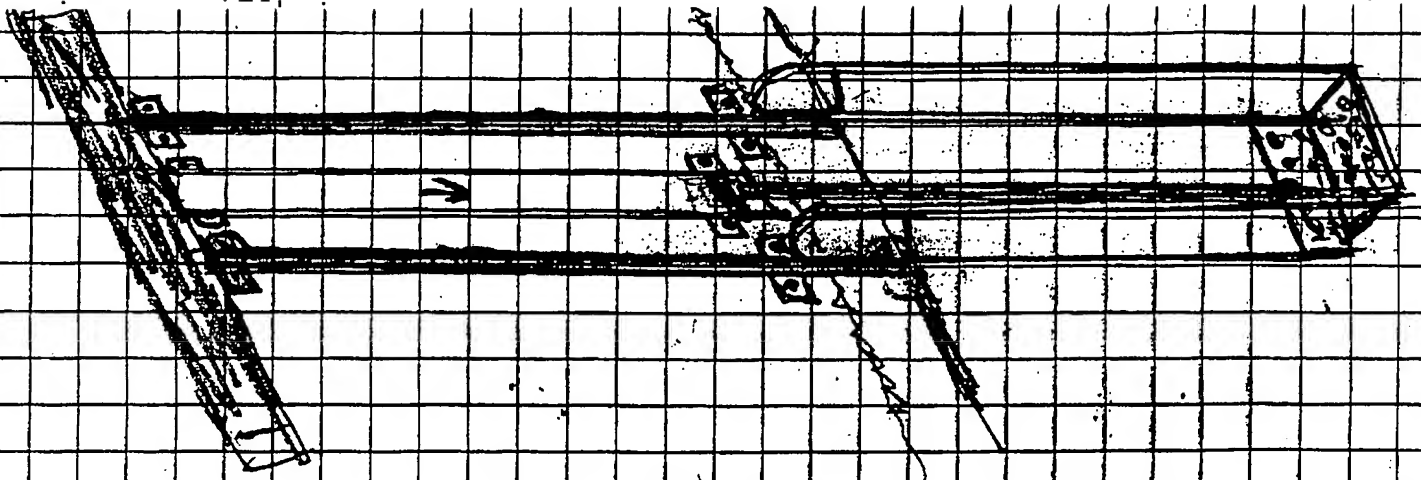
3. I, together with my co-inventor, Rachael B. Besecker, invented at least some of the subject matter disclosed and claimed in our pending application prior to the filing date of the Schmid, Jr. patent, such that this patent should not be used as prior art against certain of our claims.

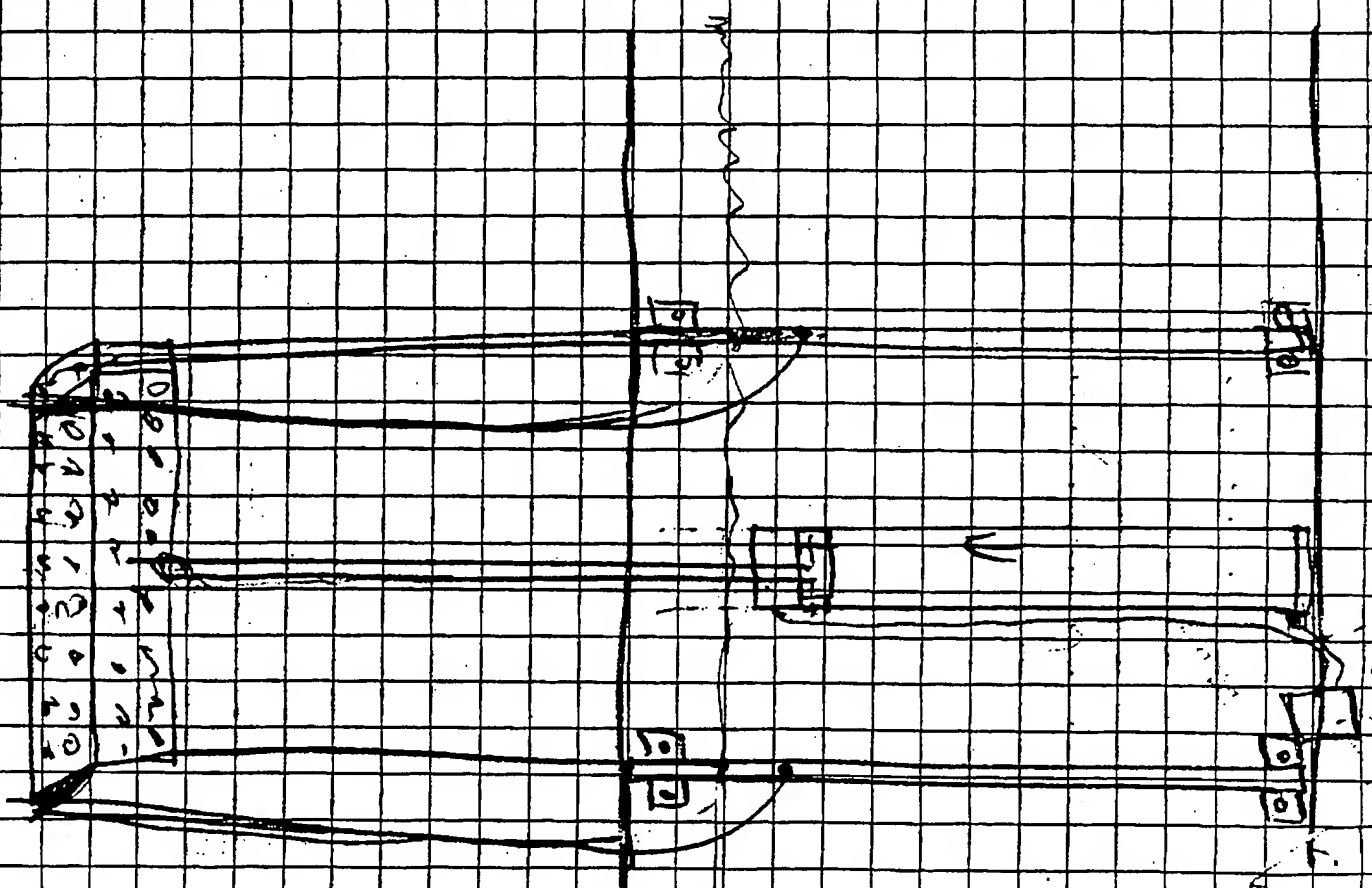
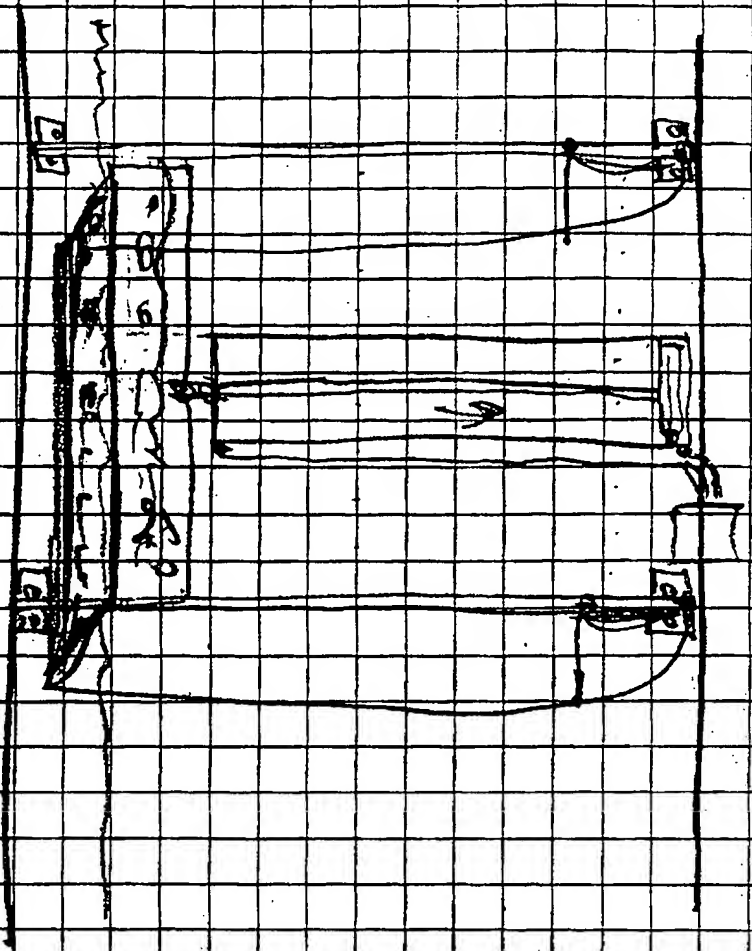
4. Attached herewith are three drawings showing one embodiment of our invention. These drawings were produced at about the same time, and all three were produced prior to the filing date of the Schmid, Jr. reference. One of the drawings is dated, though I have redacted the date in order to preserve it in confidence. We conceived of the idea of our invention earlier than the date of the drawing, of course, and we diligently reduced the invention through discussions and refinements which occurred on a regular basis up to the filing date of our provisional application.

FURTHER AFFIANT SAYETH NOT.

Date: 2-25-05


Lucky W. Besecker

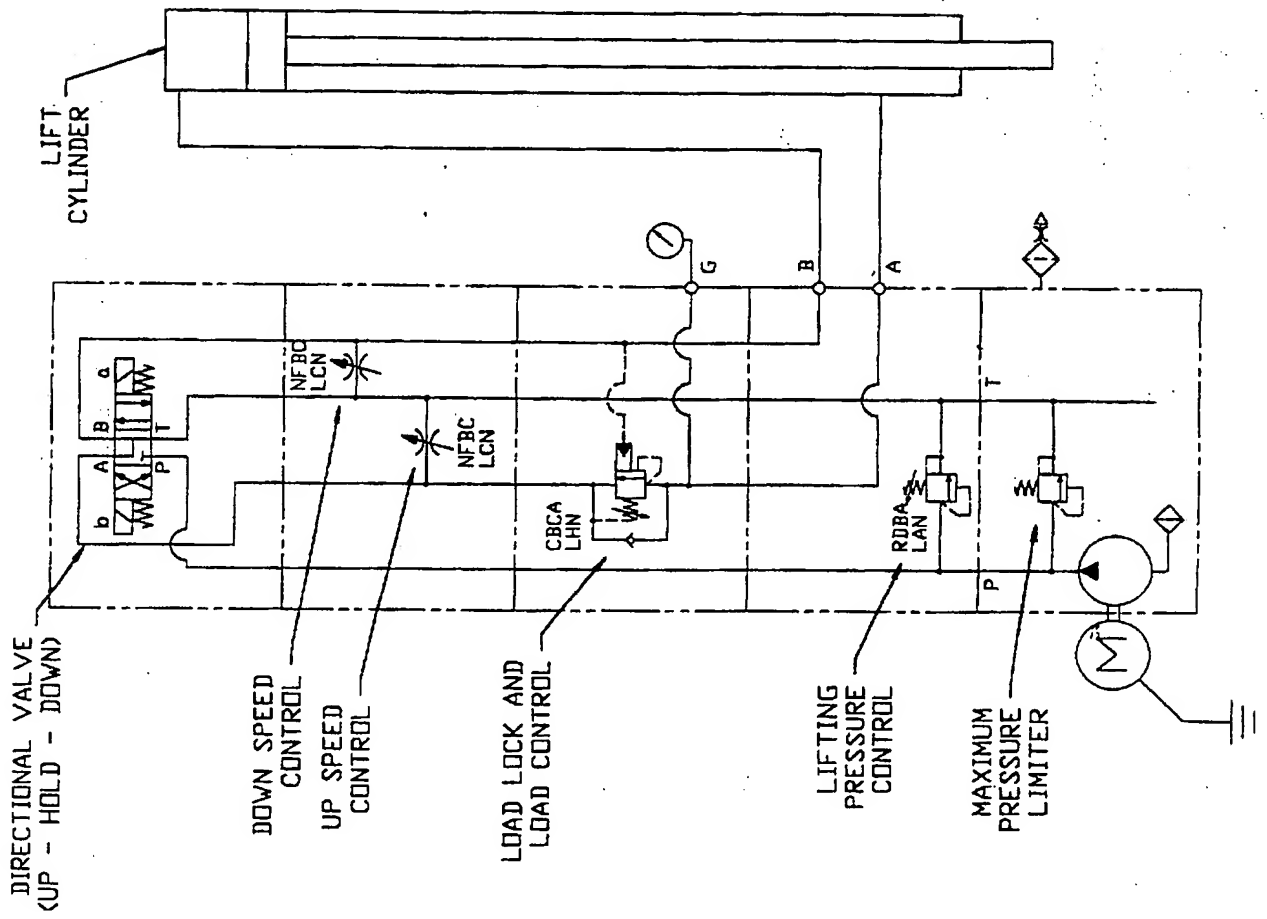




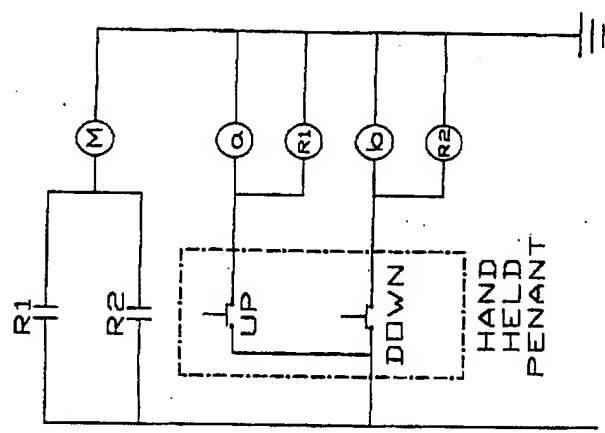
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HYDRAULIC SCHEMATIC



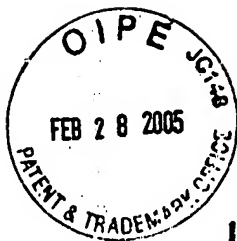
ELECTRICAL SCHEMATIC



12 VDC +

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|--|----------------------|--------------------|--|-------------------------------------|--|
| UNLESS OTHERWISE SPECIFIED, DIMENSIONS ARE IN INCHES | | DATE | | CUSTOMER: LUCKY BESECKER | |
| TOLERANCES ON: | | SIGNATURES | | JOB: HYDRAULIC & ELECTRICAL CIRCUIT | |
| 2 P. DIMENSIONS | DECIDED | DRAWN | | SIZE: CAGE COMBING NO | |
| 3 P. DIMENSIONS | ENGINE | CHECKED | | SCALE: NONE | |
| ANGLES | AS SHOWN | DESIGNED | | SHEET | |
| FRACTIONS | AS SHOWN | REVISED | | REV | |
| PROPERTY OF: | FLUID POWER PRODUCTS | REPRODUCED IN 1977 | | 1 | |

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Serial No.: 10/633,725

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Examiner: S. Basinger

For: SWIM LIFT PLATFORM

AFFIDAVIT OF RACHAEL B. BESECKER

I, Rachael B. Besecker, make the following statements from my own personal knowledge under penalty of perjury:

1. I am the second named inventor on U.S. Patent Application Serial No. 10/633,725 entitled "Swim Lift Platform". This application claims priority to provisional patent application Serial No. 60/403,038, filed August 13, 2002.

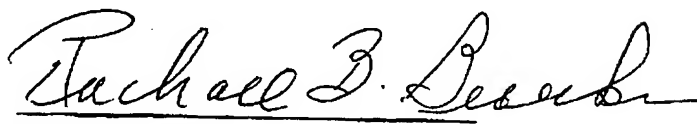
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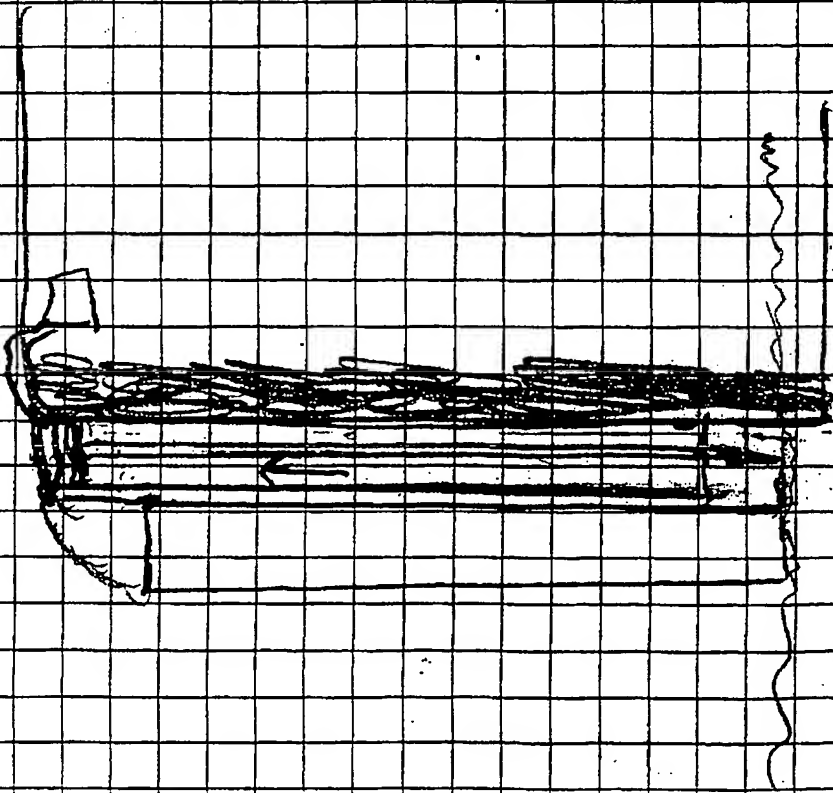
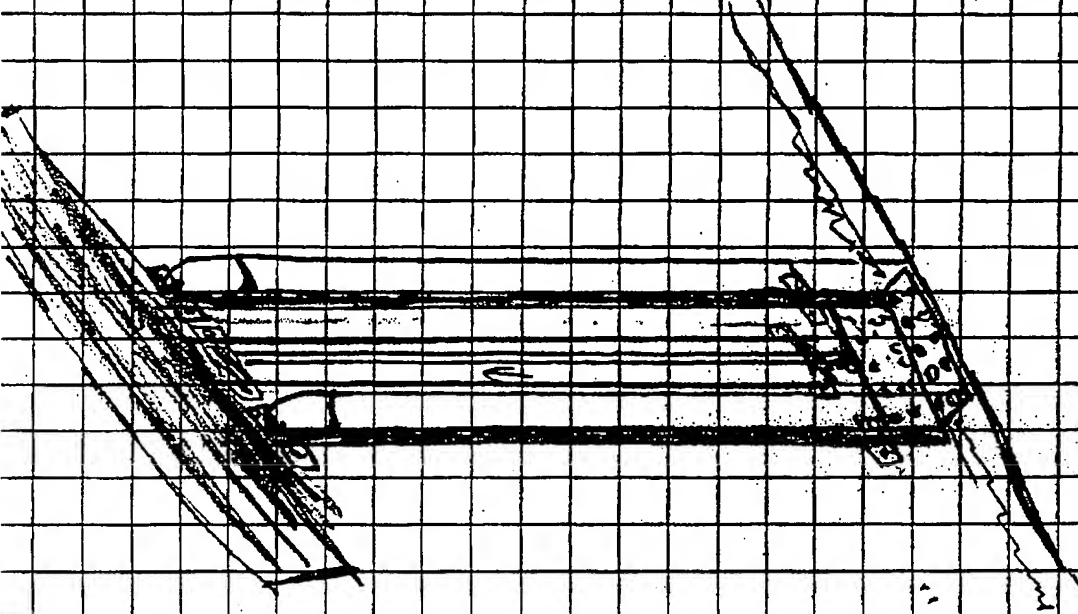
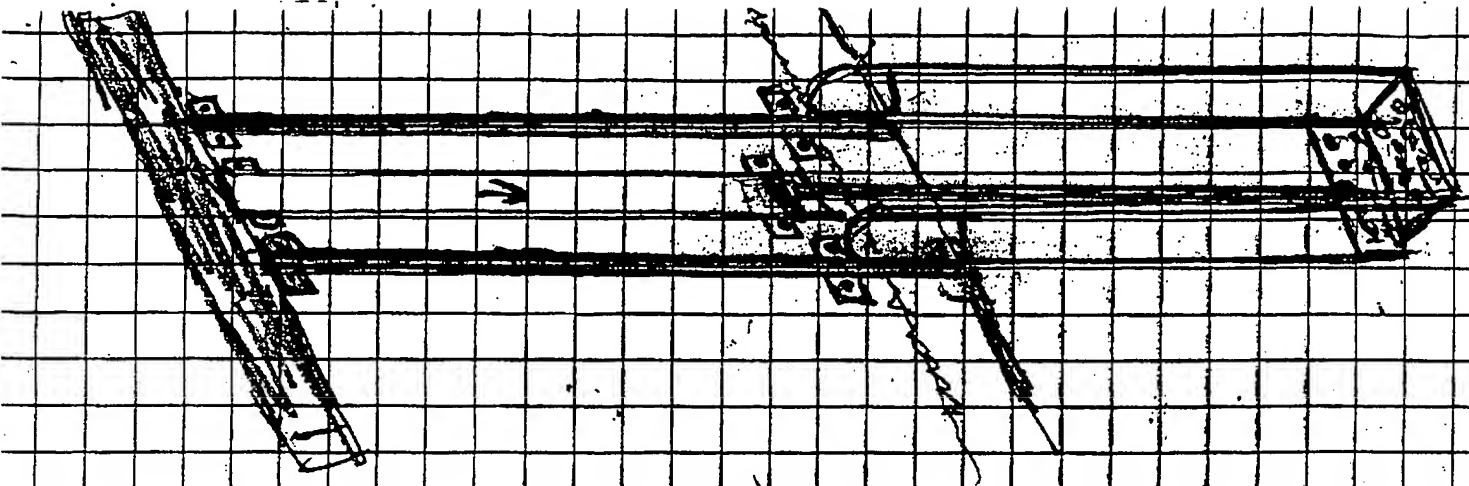
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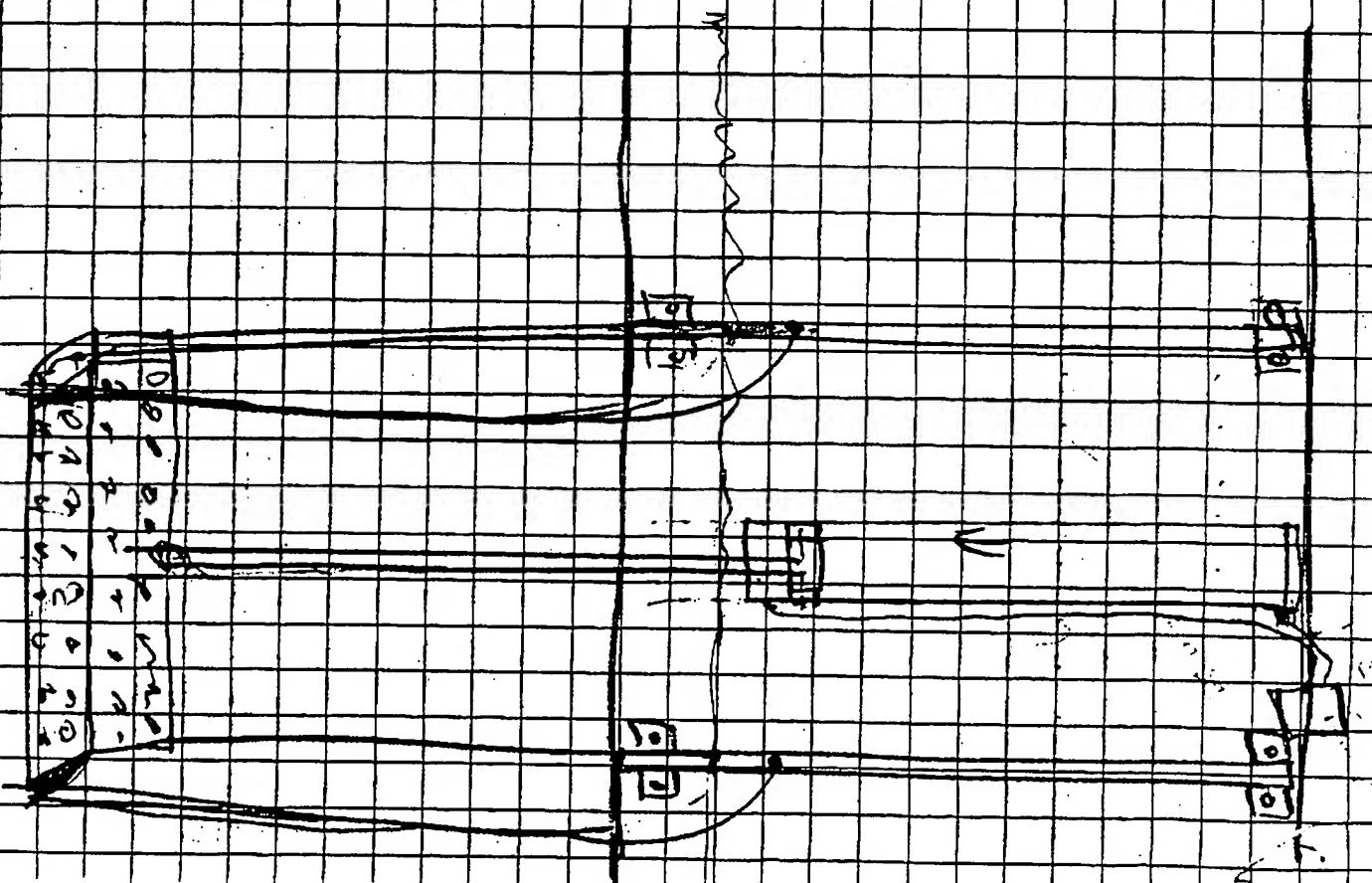
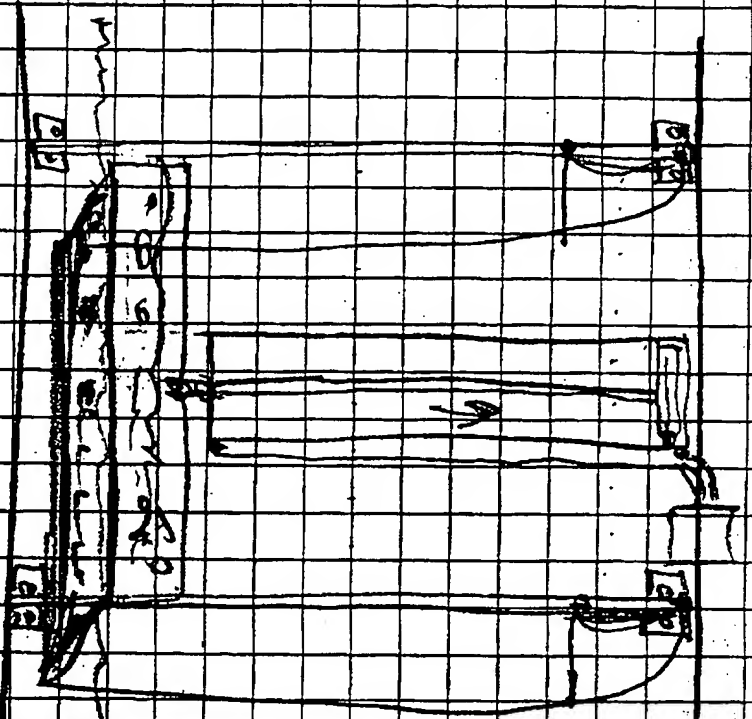
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FURTHER AFFIANT SAYETH NOT.

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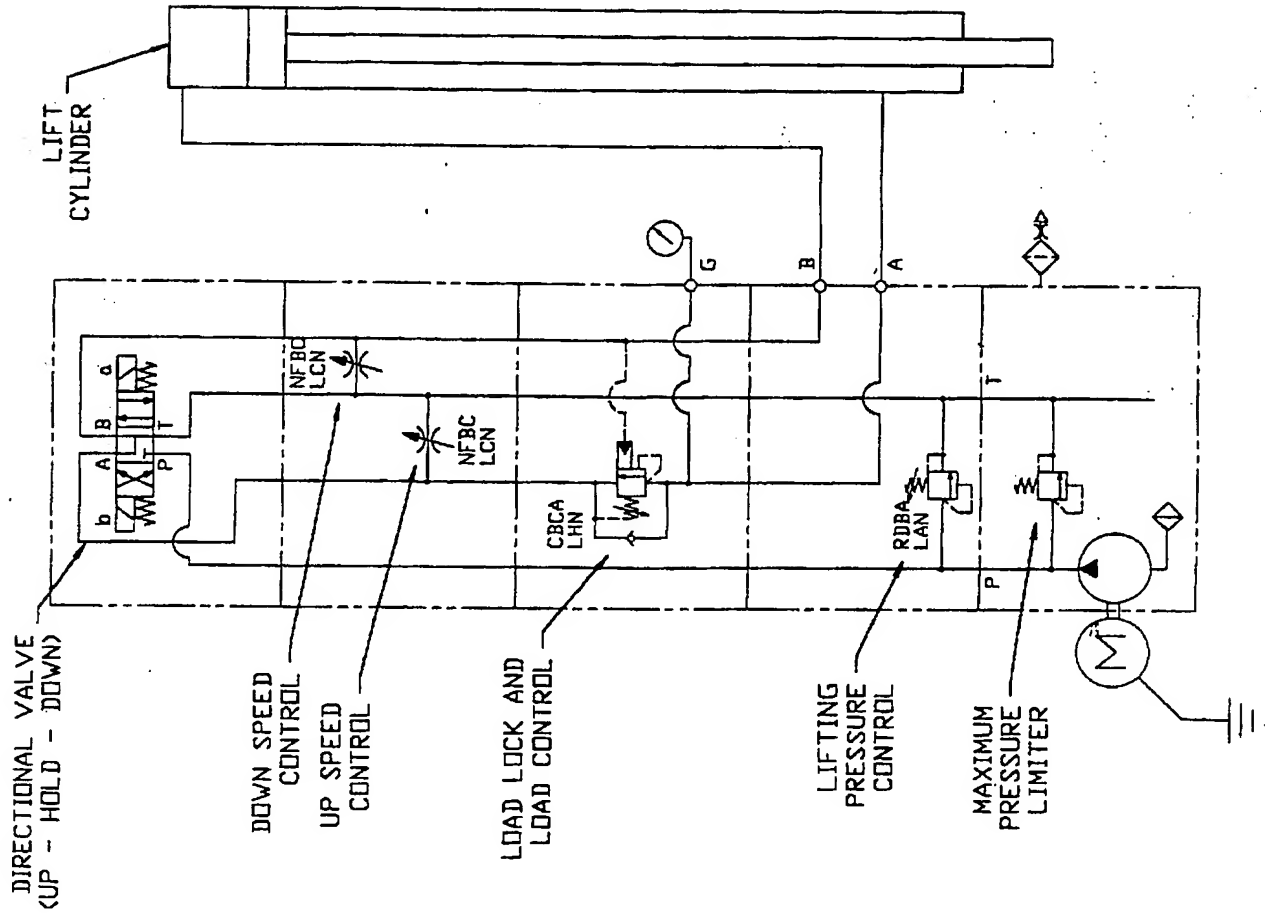

Rachael B. Besecker



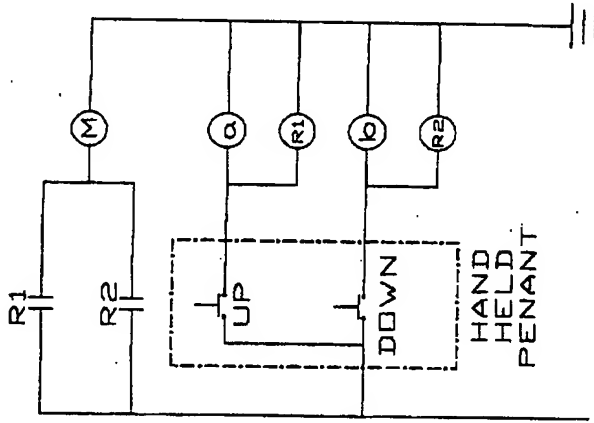


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HYDRAULIC SCHEMATIC



ELECTRICAL SCHEMATIC



12 VDC +

| | | | | | |
|---|--|------------|------|-------------------------------------|----------------|
| UNLESS OTHERWISE SPECIFIED, DIMENSIONS ARE IN INCHES. | | SIGNATURES | DATE | CUSTOMER | LUCKY BESECKER |
| TOLERANCES ON: | | DESIGNED | | JOB: HYDRAULIC & ELECTRICAL CIRCUIT | |
| 2 PL. DIMENSIONS | | LOCATED | | SIZE: CAGE COMBING NO | |
| 3 PL. DIMENSIONS | | TESTED | | SCALE: NONE | |
| ANGLES | | REVIEWED | | SHEET | |
| PROPERTY OF: | | | | REV | |
| FLUID POWER PRODUCTS | | | | | |
| EQUIPMENT NO. 8776 | | | | | |

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